

METROPOLITAN PLAN COMMISSION
DOCKET NO. 69-AO-1

COMMERCIAL ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN PLANNING DEPARTMENT

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COMMERCIAL ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

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METROPOLITAN PLAN COMMISSION
DOCKET NO. 69-AO-1

COMMERCIAL ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, no uniform regulations for the zoning and districting of land within the various political units within and a part of Marion County, Indiana, had previously existed, although the conditions relating to the use and development of said land are in many cases identical; and

WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including a LAND USE MAP OF MARION COUNTY, INDIANA, adopted by Resolution 62-CPS-R-2 on August 8, 1962, and a COMPREHENSIVE GENERAL LAND USE PLAN FOR MARION COUNTY, INDIANA, adopted by Resolution 65-CPS-R-1 on May 12, 1965; and

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana,

after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands within the county to the end that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided, that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;

NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, **Indiana**, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council of March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof, be amended pursuant to said Chapter 283, by the Addition of the following provisions and the repeal of all portions thereof in conflict herewith:

SECTION 1.00 ESTABLISHMENT OF COMMERCIAL ZONING DISTRICTS

The following primary COMMERCIAL ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, hereafter zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):

COMMERCIAL ZONING DISTRICTS

SYMBOL

C-1OFFICE DISTRICT
C-2	. . . . .	.HIGH INTENSITY OFFICE - APARTMENT DISTRICT
C-3	. . . . .	.NEIGHBORHOOD COMMERCIAL DISTRICT
C-4	. . . . .	.COMMUNITY - REGIONAL COMMERCIAL DISTRICT
C-5	. . . . .	.GENERAL COMMERCIAL DISTRICT
C-6	. . . . .	.THOROUGHFARE SERVICE DISTRICT
C-7	. . . . .	.COMMERCIAL - INDUSTRIAL DISTRICT
C-S	. . . . .	.SPECIAL COMMERCIAL DISTRICT

SECTION 2.00 COMMERCIAL ZONING DISTRICT REGULATIONS

The following regulations and performance standards shall apply to all land within the Commercial Zoning Districts.

A. GENERAL REGULATIONS

1. After the effective date of this ordinance:

- a. With the exception of legally established nonconforming uses, no land, building, structure, premises, or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
- b. No building, structure, premises, or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

2. ESTABLISHED SETBACKS

NEW USE	In any block in which an existing yard depth and setback is established (by existing legally established structures within the same COMMERCIAL DISTRICT) for more than twenty-five per cent (25%) of the frontage of the block (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required minimum yard depth and setback for any new building shall be the average of such established yards. Provided, however, that in no case shall such minimum required setback be less than ten (10) feet.
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EXPANSION OF EXISTING USE	The required front, side and/or rear building setback shall be modified to permit expansion of any legally existing commercial building along its existing legally established front, side, or rear setback line, provided the lineal footage of expansion does not exceed fifty percent (50%) of the lineal front, side, or rear footage of the existing building along such line.
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B. PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE, DUST, and PARTICULATE MATTER Smoke, dust, particulate matter, and any other air-borne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air

Pollution, City of Indianapolis, which ordinance is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.

3. NOXIOUS
MATTER No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. ODOR No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. SOUND No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness, or vibration.
6. HEAT AND
GLARE No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. WASTE
MATTER No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana, and the Board of Sanitary Commissioners of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety, or welfare or cause injury to property.

SECTION 2.01 C-1 OFFICE DISTRICT

PURPOSE OF C-1 DISTRICT:

The C-1 DISTRICT is designed to provide specific areas where office functions, compatible office-type businesses, and certain public and semi-public uses may be developed with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt the establishment of an attractive, cohesive grouping of the permitted uses. Since these office and public and semi-public structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, this DISTRICT can serve as a buffer between residential areas and shopping districts. Equally, this DISTRICT with its offices and other buffer-type functions is designed for use along certain thoroughfares where a gradual transition from existing residential use to commercial use is occurring or should occur.

A. PERMITTED C-1 DISTRICT USES

The following uses shall be permitted in the C-1 DISTRICT. All uses in the C-1 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-1 DISTRICT development standards of section 2.01, B and to any additional and/or more restrictive requirements specified in this section.

1. ANY OFFICE USE OR COMPLEX, INCLUDING BUT NOT LIMITED TO PROFESSIONAL, BUSINESS, AND GOVERNMENTAL OFFICES, BANKS, SAVINGS AND LOAN OFFICES.
2. PUBLIC AND SEMI-PUBLIC USES such as LIBRARIES, MUSEUMS, CHURCHES, CIVIC OR COMMUNITY CENTERS, EXHIBITION HALLS, GALLERIES, CIVIC CLUBS, PHILANTHROPIC INSTITUTIONS, AUDITORIUMS AND ASSEMBLY HALLS, FIRE STATIONS AND POLICE STATIONS.
3. EDUCATIONAL INSTITUTION, CAMPUS OR COMPLEX, including but not limited to COLLEGE OR UNIVERSITY, PROFESSIONAL, TECHNICAL, BUSINESS OR CLERICAL SCHOOL, OR OTHER PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, SCHOOL OR KINDERGARTEN.
4. MINOR HOSPITALS, NURSING AND CONVALESCENT HOMES, MEDICAL OR DENTAL CLINICS AND LABORATORIES, DAY NURSERIES.
5. PUBLIC AND SEMI-PUBLIC PARKS AND OPEN SPACE USES, including but not limited to PUBLIC PARKS (subject to all standards, requirements and regulations of Ordinance 68-AO-2, the PARK DISTRICT ZONING ORDINANCE OF Marion County, Indiana), MALLS, PLAZAS, PEDESTRIAN AREAS, GREENWAYS and other similar open space uses.
6. COMMERCIAL PARKING LOTS AND STRUCTURES.
7. OTHER PUBLIC AND SEMI-PUBLIC USES, OFFICES AND USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
8. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including but not limited to: ACCESSORY UTILITY STRUCTURES AND FACILITIES.
9. TEMPORARY STRUCTURES incidental to the development of land during construction.

B. C-1 DISTRICT DEVELOPMENT STANDARDS

1. USE
 - a. All uses and operations (except off-street loading, off-street parking, and drive-in customer service windows) shall be conducted within completely enclosed buildings.
 - b. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses unless minor and incidental to the primary office function.
 - c. No show windows or other exterior display, displaying, promoting, or advertising products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises shall be permitted.
2. REQUIRED FRONT YARD, MINIMUM FRONT SETBACK
 - a. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the centerline of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- | | |
|--------------------------------------|-----------------------|
| (1) Expressway: | Eighty-five (85) feet |
| (2) Primary Thoroughfare or Parkway: | Seventy (70) feet |
| (3) Secondary Thoroughfare | Seventy (70) feet |
| (4) Collector Street: | Sixty (60) feet |
| (5) Local Street and Cul-de-Sac: | Fifty-five (55) feet |

b. No part of any structure shall be built closer to the right-of-way line of a Federal Interstate route than ten (10) feet, except:

(1) Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

3. REQUIRED CORNER
SIDE YARD, DOUBLE
FRONTAGE LOT
MINIMUM SETBACK
- In any case where the side or rear lot line abuts a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.01, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.
4. REQUIRED SIDE
YARDS, MINIMUM
SIDE SETBACK
- A side setback and landscaped side yard of not less than eight (8) feet in depth shall be provided along each side lot line, (unless subject to the additional setback requirements of section 2.01, B, 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yards requirements of section 2.01, B, 6).
- If any portion of a side yard is used for a driveway or off-street parking area, there shall be provided and maintained along the entire length of such lot line, a three (3) foot landscaped strip, extending the full length thereof; provided, however, that where a dedicated alley separates a side yard from the adjacent property, the entire required side yard may be used for off-street parking and/or driveway.
5. REQUIRED REAR
YARD, MINIMUM
REAR SETBACK
- A rear yard and setback of not less than ten (10) feet in depth shall be provided along the rear lot line (unless subject to additional setback requirements of section 2.01, 3, 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yards requirements of section 2.01, B, 6).
- Said rear yard, whether abutting an adjacent property or separated therefrom by a dedicated alley, may be entirely used for off-street parking and/or driveway.
6. TRANSITIONAL
YARDS
- a. MINIMUM FRONT, SIDE AND REAR TRANSITIONAL YARDS AND SETBACKS
- (1) Yards Fronting Upon Or Abutting A Residential DISTRICT
- (a) Where a front yard abuts a street on the opposite side of which is a residential DISTRICT, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 2.01, B, 2.
- Provided, however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard, paralleling and measured from the front lot line, and extending

the full length thereof (except for walks, access cuts and driveways) shall be maintained as a landscaped portion of the yard in conformance with section 2.01, B, 6, b, (1) (a).

(b) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential DISTRICT, a side or rear yard and setback not less than fifteen (15) feet in depth shall be provided along such side or rear lot line.

Provided, however, where a dedicated alley separates such side or rear lot line from the residential DISTRICT, said side or rear yard and setback shall be not less than ten (10) feet.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS.

(1) Yards Fronting Upon Or Abutting A Residential DISTRICT

(a) Front transitional yards (fronting upon a residential DISTRICT) shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2-1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping.

Provided, however, along any portion of said transitional front yard in which an off-street parking area is located there shall be provided and maintained along the front lot line a buffer screen of either:

Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or

Plant Material Screen- a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.

Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground

cover, shrubbery and/or trees. All shrubs and trees shall be planted balled and burlapped and shall meet the standards of the American Association of Nurserymen (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Metropolitan Planning Department and approved by the Executive Director thereof prior to the time of planting.

(b) Side and rear transitional yards (abutting residential DISTRICTS) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall, may be used in conjunction with the landscaping.

Provided, however, if any portion of a side or rear transitional yard is used for a driveway or off-street parking area, there shall be provided and maintained along the entire length of such lot line to the front setback line, a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least six (6) feet in height and shall be so constructed to such height to restrict any view therethrough.

7. USE OF
REQUIRED YARDS

All required yards shall be landscaped in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:

a. Required front yards may include:

(1) Pedestrian walks, access cuts, driveways, flag poles, and similar appurtenant uses.

(2) Off-street parking, provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.01, B, 6.

b. Required side and rear yards may include:

(1) Pedestrian walks, access cuts, driveways, flag poles, and similar appurtenant uses.

(2) Off-street parking, subject to the requirements of section 2.01, B, 4, or 2.01, B, 6, as applicable and section 2.09.

8. HEIGHT OF BUILDINGS
AND STRUCTURES

The maximum height of buildings and structures shall be sixty-five (65) feet. Provided, however in the case of transitional yards as specified in section 2.01, B, 6, minimum required side and rear setbacks shall be increased by one (1) foot for each additional three (3) feet, or part thereof, of building or structural height above thirty-five (35) feet.

9. SIGNS

Signs and advertising devices shall comply with the sign regulations of Ordinance 68-AO-4, COMMERCIAL ZONING DISTRICTS SIGN REGULATIONS of Marion County, Indiana.

10. OFF-STREET
PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.

11. OFF-STREET LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

SECTION 2.02 C-2 HIGH INTENSITY OFFICE-APARTMENT DISTRICT

PURPOSE OF C-2 DISTRICT:

The C-2 DISTRICT is designed to permit (1) in certain areas within the inner city, (2) along a few suitable arterial streets, and (3) in association with regional commercial complexes in the suburbs, the development of high-rise offices and/or apartments intermixed, grouped in varying combinations or provided in the same building. The structural similarity and the possible functional interrelationship of living and working space can create an unusual compatibility of land use - especially in locations where access is particularly good. This type of DISTRICT may represent a subordinate development to and near the central business district, the dominant function of an "uptown" location within the inner city, or a major feature of a suburban, regional commercial focal point or planned community.

A. PERMITTED C-2 DISTRICT USES

The following uses shall be permitted in the C-2 DISTRICT. All uses in the C-2 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-2 DISTRICT development standards of section 2.02, B, and to any additional and/or more restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1 DISTRICT.
2. HOTELS, APARTMENT-HOTELS, MOTOR-HOTELS, MOTELS.
3. ATTACHED OR DETACHED MULTI-FAMILY DWELLINGS, subject to all standards, requirements and regulations of section 2.09, (D-8 DWELLING DISTRICT EIGHT REGULATIONS), section 2.10 (D-9 DWELLING DISTRICT NINE REGULATIONS) or section 2.11 (D-10 DWELLING DISTRICT TEN REGULATIONS) of Ordinance No. 66-AO-2, DWELLING DISTRICTS ZONING ORDINANCE of Marion County, Indiana, as amended.
4. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
5. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including but not limited to:
 - a. ACCESSORY UTILITY STRUCTURES AND FACILITIES.
 - b. ACCESSORY CONVENIENCE RETAIL STORES AND SERVICES in office structures, multi-family residential structures or other C-2 DISTRICT permitted use structures, subject to the requirements of section 2.02, B, 1.
6. TEMPORARY STRUCTURES incidental to development of land, during construction.

B. C-2 DISTRICT DEVELOPMENT STANDARDS

1. USE
 - A. All uses and operations (except off-street loading and off-street parking) shall be conducted within completely enclosed buildings.
 - b. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses un-

less incidental to the primary office function. Except, however, accessory use convenience retail sales and service establishments shall be permitted in office structures, multi-family residential structures or other C-2 DISTRICT permitted use structures, provided such establishments are:

(1) For the primary purpose of serving the occupants and/or employees of the primary use structure, (2) have no exterior signs or display windows advertising or identifying the business, and (3) in no way designed or facilities provided to specifically encourage or attract automotive customers.

c. No show windows or other exterior display, advertising promoting products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises shall be permitted.

2. REQUIRED FRONT
YARD, MINIMUM
SETBACK

A. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the centerline of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- | | |
|--|-----------------------|
| (1) Expressway: | Eighty-five (85) feet |
| (2) Primary
Thoroughfare or
Parkway: | Seventy (70) feet |
| (3) Secondary
Thoroughfare: | Seventy (70) feet |
| (4) Collector Street: | Sixty (60) feet |
| (5) Local Street
& Cul-de-Sac: | Fifty-five (55) feet |

No part of any structure shall be built closer to the right-of-way line of a Federal Interstate Highway route than ten (10) feet, except:

(1) Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

3. REQUIRED CORNER
SIDE YARD, DOUBLE
FRONTAGE LOT
MINIMUM SETBACK

In any case where the side or rear lot line abuts a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.02, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

4. REQUIRED SIDE
YARDS, MINIMUM
SIDE SETBACK

A side yard and setback of not less than eight (8) feet in depth shall be provided along each side lot line (unless subject to additional setback requirements of section 2.02 B, 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yards requirements of section 2.02, B, 6).

If any portion of a side yard is used for a driveway or off-street parking area, there shall be provided and maintained along the entire length of such lot line, a three (3) foot landscaped strip, extending the full length thereof; provided, however, that where a dedicated alley separates a side yard from the adjacent property, the entire required side yard may be used for off-street parking and/or driveway.

5. REQUIRED REAR
YARD, MINIMUM
REAR SETBACK

A rear yard and setback of not less than ten (10) feet in depth shall be provided along the rear lot line (unless subject to additional setback requirements of section 2.02, B, 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yards requirements of section 2.02, B, 6).

Said rear yard, whether abutting an adjacent property or separated therefrom by a dedicated alley, may be entirely used for off-street parking and/or driveway.

6. TRANSITIONAL
YARDS

(a) MINIMUM FRONT, SIDE AND REAR TRANSITIONAL YARDS AND SETBACKS

(1) Yards Fronting Upon Or Abutting A Residential DISTRICT

(a) Where a front yard abuts a street on the opposite

side of which is a residential DISTRICT, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 2.02, B, 2.

Provided, however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty(20) foot wide strip of said required front yard, paralleling and measured from the front property lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard in conformance with section 2.02, B, 6, b, (1) (a).

(b) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential DISTRICT, a side or rear yard and setback not less than fifteen (15) feet in depth shall be provided along such side or rear lot line.

Provided, however, where a dedicated alley separates such side or rear lot line from the residential DISTRICT, said side or rear yard and setback shall be not less than ten (10) feet.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

(1) Yards Fronting Upon Or Abutting A Residential DISTRICT

(a) Front transitional yards (fronting upon a residential DISTRICT) shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2-1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping.

Provided, however, along any portion of said transitional front yard in which an off-street parking area is located, there shall be provided and maintained along the front lot line a buffer screen of either:

Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or

Plant Material Screen - a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.

Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted balled and burlapped and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Metropolitan Planning Department and Approved by the Executive Director thereof prior to the time of planting.

(b) Side and rear transitional yards (abutting residential DISTRICTS) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. A ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.

Provided, however, if any portion of a side or rear transitional yard is used for a driveway or off-street parking area, there shall be provided and maintained along the entire length of such lot line to the front setback line, a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least six (6) feet in height and shall be so constructed to such height to restrict any view therethrough.

7. USE OF
REQUIRED
YARDS

All required yards shall be landscaped, in grass and shrubbery, trees, and/or hedge, or in combination with other suitable ground cover materials, except:

a. Required front yards may include:

(1) Pedestrian walks, access cuts, driveways, flag poles, and similar appurtenant uses.

(2) Off-street parking, provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except

for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.02, B, 6.

b. Required side and rear yards may include:

(1) Pedestrian walks, access cuts, driveways, flag poles, and similar appurtenant uses.

(2) Off-street parking, subject to the requirements of section 2.02, B, 4, or 2.02, B, 6, as applicable and section 2.11.

8. HEIGHT OF BUILDINGS
AND STRUCTURES

There shall be no height limitations of buildings and structures provided:

a. Minimum required side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum side or rear building setback requirement of twenty (20) feet.

b. Transitional minimum required side and rear yard setbacks shall be increased by one (1) foot for each three (3) feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum side or rear building setback requirement of twenty-five (25) feet.

9. SIGNS

Signs and advertising devices shall comply with the sign regulations of Ordinance 68-A0-4, COMMERCIAL ZONING DISTRICTS SIGN REGULATIONS of Marion County, Indiana.

10. OFF-STREET
PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.

11. OFF-STREET
LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

SECTION 2.03 C-3 NEIGHBORHOOD COMMERCIAL DISTRICT

PURPOSE OF C-3 DISTRICT:

This DISTRICT is designed to permit the development of a complete range of retail sales and personal, professional, and business services required to meet the maximum demand of a fully developed residential neighborhood - regardless of its size. It does not make provision, however, for those business that: (1) draw customers in significant numbers from well beyond a neighborhood boundary and which, therefore, are unusually heavy traffic generators such as, department stores, motels, theaters, or (2) require the outdoor display, sale and/or storage of merchandise, outdoor services or operations, or outdoor consumption of food and beverages. In general, to achieve maximum flexibility of permitted land use, the C-3 DISTRICT makes possible a highly varied grouping of indoor retail and business functions short of the single-unit heavy traffic generator.

A. PERMITTED C-3 DISTRICT USES

The following uses shall be permitted in the C-3 DISTRICT. All uses in the C-3 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-3 DISTRICT development standards of section 2.03, B., and to any additional and/or restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1 or C-2 DISTRICTS (Except Hotels, Apartment-Hotels, Motor-Hotels, Motels, and Multi-family Dwellings).
2. NEIGHBORHOOD SHOPPING CENTER OR COMPLEX (But not including department store or discount department store).
3. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENT, including but not limited to:
 - a. DRUG STORE, HARDWARE STORE; GROCERY, BAKERY, OR OTHER FOOD STORE, LUNCH COUNTER, TAVERN, DELICATESSEN OR RESTAURANT, including any restaurant or other food service establishment in which food is served or dispensed for consumption indoors or for carry-out. Provided, however, such carry-out establishment, where food may be likely to be consumed on the premises shall:
 - (1) Provide adequate outdoor convenience trash containers.
 - (2) Not provide outdoor tables and/or seats.
 - (3) Where the rear lot line abuts a residential DISTRICT, construct and maintain a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least six (6) feet in height and shall be so constructed to such minimum height to restrict any view therethrough.
 - (4) Not be located within one hundred (100) feet of a residential DISTRICT on the same side of the street, unless such establishment is separated from said residential DISTRICT by an intervening street.
 - b. GASOLINE SERVICE STATION, limited to not more than three service bays, indoors only. Provided, however, that the service station function, services,

operation, and sales shall not include the following:

(1) The sale, rental, display, or storage of new or used motor vehicles, trailers, tractors, machinery, or other similar equipment; or merchandise not related to the minor servicing of motor vehicles or for the immediate convenience of customers.

(2) Commercial parking of motor vehicles.

(3) Exterior display or storage of oil, antifreeze, batteries, tires, and other merchandise or products, other than oil dispensing cabinets located on pump islands.

(4) Major servicing or motor or body repair such as, but not limited to body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping.

(5) Dismantling or wrecking of motor or other vehicles, or the storage of inoperable, damaged, or wrecked vehicles.

(6) A driveway so located and constructed that it permits traffic movement completely around or behind the service station structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station designed to provide service on all sides).

4. PERSONAL SERVICE ESTABLISHMENT, including, but not limited to: BARBER SHOP, BEAUTY SHOP, DRY CLEANING AND LAUNDRY PICK-UP STATIONS, LAUNDROMATS AND SELF-SERVICE DRY CLEANING, SHOE REPAIR, TAILOR OR SEAMSTRESS, RADIO AND TELEVISION SERVICE, PHOTOGRAPHY STUDIO, MAIL ORDER STORE; CAR WASH COMPLETELY INDOORS, SELF-SERVICE CAR WASH, AUTOMATIC OR SEMI-AUTOMATIC CAR WASH. Provided, however, self-service, automatic, or semi-automatic car wash establishments shall:

a. Provide not less than five (5) auto waiting spaces at the entrance and three (3) outdoor drying and finishing spaces at the exit to each wash bay of a self-service car wash establishment.

b. Provide not less than twenty (20) auto waiting or storage spaces at the entrance and six (6) outdoor drying and finishing spaces at the exit of each wash bay of an automatic or semi-automatic car wash establishment.

c. Not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within the required minimum front yard.

d. Construct a solid decorative fence or wall along the rear lot line not less than six (6) feet in height where abutting a residential DISTRICT.

e. Not be located within two hundred (200) feet of a residential DISTRICT on the same side of the street.

5. POST OFFICE, provided no storage of delivery vehicles is maintained on the premises.

6. PROFESSIONAL SERVICE ESTABLISHMENT, including but not limited to:

OPTOMETRIST; INTERIOR DECORATOR; PHOTOGRAPHY, DANCE, MUSIC, ART, LANGUAGE AND ARTISAN SCHOOLS; BEAUTY AND BARBER SCHOOLS.

7. SHOPPING OR DURABLE GOODS ESTABLISHMENT, including but not limited to:

WEARING APPAREL AND ACCESSORIES STORES, SHOE STORES, DRY GOODS, FABRIC SHOP, STATIONERY, GIFT SHOP, FLORIST, PHOTOGRAPHIC SUPPLIES, HOBBY SHOP; PET SHOP, INCLUDING GROOMING SHOP AND OBEDIENCE SCHOOL; MUSIC, RECORDS, MUSICAL INSTRUMENT STORES; SPORTING GOODS, BICYCLE AND MOTORCYCLE STORES; FURNITURE, MAJOR APPLIANCES, PAINT AND WALLPAPER, FLOOR COVERINGS, ANTIQUES; VARIETY STORES (but not including department store or discount department store).

8. ICE STATION, COAL STATION, NEWSPAPER DISTRIBUTION STATION, CHARITABLE INSTITUTION DONATION PICK UP STATION OR BOX, PRIMARY OR ACCESSORY IN FUNCTION.

9. TEMPORARY SEASONAL USES SUCH AS CHRISTMAS TREE SALES, NURSERY PLANTS, FRUIT STANDS COMPLETELY UNDER A SHELTER. Provided, however, such uses and accessory off-street parking space therefor shall not reduce or encroach upon the minimum required off-street parking area of any commercial use.

10. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.

11. ACCESSORY USES AND STRUCTURES, subordinant, appropriate and incidental to the above permitted primary uses, including but not limited to: ACCESSORY UTILITY STRUCTURES AND FACILITIES.

12. TEMPORARY STRUCTURES incidental to development of land, during construction.

B. C-3 DISTRICT DEVELOPMENT STANDARDS

1. USE

a. No single establishment shall exceed twenty-one thousand (21,000) square feet in total gross floor area.

b. All uses and operations (except off-street loading and off-street parking) shall be conducted within completely enclosed buildings, except where otherwise specifically permitted. Provided, however, gasoline service stations may dispense gasoline, oil, antifreeze and other similar products and perform other minor services outdoors for customers, subject to the limitations of section 2.03, A., 3b.

c. No outdoor storage shall be permitted other than trash containers, provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.

d. No vending machines shall be permitted on

the exterior of any building on the premises except where contained in a shelter, stall, or other area so located as not to interfere materially with the use of adjacent properties.

2. REQUIRED FRONT
YARD, MINIMUM
SETBACK

a. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the center line of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

(1) Expressway:	Eighty-five (85) feet
(2) Primary Through- fare or Parkway	Seventy (70) feet
(3) Secondary Through- fare:	Seventy (70) feet
(4) Collector Street:	Sixty (60) feet
(5) Local Street and Cul-de-Sac:	Fifty-five (55) feet

b. No part of any structure shall be built closer to the right-of-way line of a Federal Interstate Highway route than ten (10) feet, except:

(1) Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

3. REQUIRED CORNER
SIDE YARD, DOUBLE
FRONTAGE LOT MIN-
IMUM SETBACK

In any case where the side or rear lot line abuts a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.03, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

4. REQUIRED SIDE
YARDS, MINIMUM
SIDE SETBACK

No side yard or side setback is required unless subject to the requirements for transitional yards of section 2.03, B, 6.

5. REQUIRED REAR
YARD, MINIMUM
REAR SETBACK

No rear yard or rear setback is required unless subject to the requirements for transitional yards of section 2.03, B, 6.

6. TRANSITIONAL
YARDS

a. MINIMUM FRONT, SIDE AND REAR TRANSITIONAL
YARDS AND SETBACKS

(1) Yards Fronting Upon or Abutting A Residential
DISTRICT

(a) Where a front yard abuts a street on the opposite side of which is a residential DISTRICT, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 2.03, B, 2.

Provided, however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be maintained as a landscaped portion of the yard in conformance with section 2.03, B, 6, B, (1) (a).

(b) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential DISTRICT, a side or rear yard and setback not less than twenty (20) feet in depth shall be provided along such side or rear lot line.

Provided, however, where a dedicated alley separates such side or rear lot line from the residential DISTRICT, said side or rear yard and setback shall be not less than ten (10) feet.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

(1) Yards Fronting Upon or Abutting A Residential
DISTRICT

(a) Front transitional yards (fronting upon a residential DISTRICT) shall be landscaped in an open pattern in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2-1/2) feet in height

if solid, or six (6) feet if open, may be used in conjunction with the landscaping.

Provided, however, along any portion of said transitional front yard in which an off-street parking area is located, there shall be provided and maintained along the front lot line a buffer screen of either:

Architectural Screen -- a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or

Plant Material Screen -- a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.

Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted, balled and burlapped and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made part hereof).

To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Metropolitan Planning Department and approved by the Executive Director thereof prior to the time of planting.

b. Side and rear transitional yards (abutting a residential DISTRICT) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.

Provided, however, if any portion of a side or rear transitional yard is used for a driveway or off-street parking, there shall be provided and maintained along the entire length of such lot line to the front yard setback

line, a wall or fence of ornamental block, brick, solid wall fencing, or combination thereof. Said wall or fence shall be at least six (6) feet in height and shall be so constructed to such height to restrict view therethrough.

7. USE OF REQUIRED
YARDS

All required yards shall be landscaped, in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:

a. Required front yards may include:

- (1) Pedestrian walks, access cuts, driveways, flag poles, and similar appurtenant uses.
- (2) Off-street parking, gasoline service station pumps, and/or open canopies (attached or detached).

Provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.03, B, 6.

b. Required side and rear yards may include:

- (1) Pedestrian walks, access cuts, driveways, flag poles, and similar appurtenant uses.
- (2) Off-street parking, subject to the requirements of section 2.03, B, 4, or 2.03, B. 6, as applicable and section 2.09.

8. HEIGHT OF
BUILDINGS AND
STRUCTURES

Maximum height of buildings and structures shall be thirty-five (35) feet.

9. SIGNS

Signs and advertising devices shall comply with the sign regulations of Ordinance 68-A0-4, COMMERCIAL ZONING DISTRICTS SIGN REGULATIONS OF MARION COUNTY, INDIANA.

Provided, however, signs and advertising devices for gasoline service stations shall comply with

the sign regulations of Ordinance 66-A0-4, the GASOLINE SERVICE STATION ORDINANCE of Marion County, Indiana, and section I, A, 1 and 3 of said Ordinance 68-A0-4.

10. OFF-STREET
PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.

11. OFF-STREET
LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

SECTION 2.04 C-4 COMMUNITY-REGIONAL COMMERCIAL DISTRICT

PURPOSE OF C-4 DISTRICT: The C-4 DISTRICT is designed to provide for the development of major business districts and regional-size shopping centers to serve a population ranging from a community of neighborhoods to a major segment of the total metropolitan area. In addition to an almost endless variety of retail goods and services, these centers may typically feature a number of large traffic generators such as department stores, motels, bowling alleys, or theaters. Even the smallest of such commercial centers requires excellent access from major thoroughfares - and, in fact, the quality of access may well determine which centers will ultimately be the largest and most successful. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

A. PERMITTED C-4 DISTRICT USES

The following uses shall be permitted in the C-4 DISTRICT. All uses in the C-4 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-4 DISTRICT development standards section 2.04, B, and to any additional and/or more restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1, C-2, OR C-3 DISTRICTS.
2. COMMUNITY OR REGIONAL SHOPPING CENTER OR COMPLEX.
3. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENTS, INCLUDING BUT NOT LIMITED TO:
 - a. DRIVE-IN RESTAURANT, CUSTARD STAND, ROOT BEER STAND OR ANY PLACE OR PREMISES USED FOR THE SALE, DISPENSING OR SERVING OF FOOD OR BEVERAGES OUTDOORS, OR WHERE CUSTOMERS MAY SERVE THEMSELVES OR CARRY OUT AND CONSUME THE FOOD, REFRESHMENTS OR BEVERAGES ON THE PREMISES. PROVIDED, HOWEVER, SUCH ESTABLISHMENTS SHALL:
 - (1) Provide adequate outdoor convenience trash containers.
 - (2) Construct and maintain a decorative fence or wall of not less than 42 inches in height along the rear lot line and side lot lines to the required front setback line. Where the rear lot line abuts a residential DISTRICT, said fence or wall shall be not less than six (6) feet in height.
 - (3) Not be located within one hundred (100) feet of a residential DISTRICT on the same side of the street, unless such establishment is separated from said residential DISTRICT by an intervening street.
 - b. GASOLINE SERVICE STATION, TIRE AND AUTO SERVICE CENTER, limited to indoor service bays only. Provided, however, that the service station and center functions, services, operation, and sales shall not include the following:

- (1) Outdoor operations other than the dispensing of gasoline, oil, antifreeze and other similar products and the performing of minor services for customers.
 - (2) The sale, rental, display, or storage of new or used motor vehicles, trailers, tractors, machinery, or other similar equipment; or merchandise not related to the minor servicing of motor vehicles or for the immediate convenience of customers.
 - (3) Commercial parking of motor vehicles.
 - (4) Major exterior displays of merchandise; or any exterior displays which restrict traffic visibility in any way or which impede the movement of vehicles on the service or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with pedestrian walks, off-street parking areas, or required landscaped yards. Any exterior display shall be maintained in an orderly manner.
 - (5) Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping.
 - (6) Dismantling or wrecking of motor or other vehicles, or the storage of inoperable, damaged, or wrecked vehicles.
 - (7) A driveway so located and constructed that it permits traffic movement completely around or behind the service station or service center structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station or service center structure designed to provide service on all sides).
4. PROFESSIONAL SERVICE ESTABLISHMENT, including but not limited to:
MORTUARY.
 5. SHOPPING OR DURABLE GOODS ESTABLISHMENT, including but not limited :
DEPARTMENT STORE, DISCOUNT STORE.
 6. INDOOR COMMERCIAL AMUSEMENT, RECREATION AND ENTERTAINMENT, including but not limited to:
THEATER, BOWLING ALLEY, BILLIARD PARLOR, GYMNASIUM, TENNIS FACILITIES, ROLLER OR ICE SKATING RINK, NIGHT CLUB, PRIVATE CLUB OR LODGE.
 7. AUTOMOBILE SALES, NEW OR USED, SERVICE AND REPAIR, provided:
 - a. Any major repair and service is conducted within enclosed buildings.

- b. Auto storage is incidental to the primary function.
- c. Not more than fifty (50) percent of the developed area of the premises is used for outdoor display, storage and/or sales.
- d. Outdoor storage shall be screened by a solid decorative fence or wall not less than six (6) feet in height, and to a distance from the front lot line not less than the front building line of the primary structure.
- e. Outdoor display of automobiles shall be located not less than twenty (20) feet from the front lot line. Provided, a twenty (20) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be landscaped in grass and shrubbery, trees, and/or hedge.
- f. Any lighting used to illuminate an outdoor display area or an outdoor area where any service or activity is conducted shall comply with the requirements of section 2.09, 5, e.

Further, it shall be prohibited to:

- (1) Light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter.
 - (2) Make use of attention attracting lighting from apparatus of a type used by emergency vehicles.
- 8. POST OFFICE, including storage of delivery vehicles, provided, such storage area is screened by a solid decorative fence or wall not less than six (6) feet in height.
 - 9. TELEPHONE EXCHANGE, GAS MIXING STATION, MINOR ELECTRICAL SUBSTATION, provided:
 - a. Said gas mixing station is enclosed in a building or structure appropriate and compatible in appearance to the DISTRICT.
 - b. Said electrical substation is adequately screened with a combination of fence and landscaping and is of a size and character appropriate and compatible in appearance to the DISTRICT.
 - 10. MASS TRANSIT TERMINALS
 - 11. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
 - 12. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including but not limited to: ACCESSORY UTILITY STRUCTURES AND FACILITIES.
 - 13. TEMPORARY STRUCTURES incidental to development of land, during construction.

B. C-3 DISTRICT DEVELOPMENT STANDARDS

1. USE

A. All uses and operations shall be conducted within enclosed buildings except:

- (1) Off-street parking and loading.
- (2) Those uses expressly permitting outdoor activities as specified in section 2.04, A.
- (3) Minor displays of merchandise may be placed outdoors provided such displays are:
 - (a) Accessory to the primary use.
 - (b) Located immediately adjacent to the primary structure, but not within a required minimum front yard.
 - (c) Not more than two hundred (200) square feet in total area.
 - (d) Maintained in an orderly manner.

B. No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall, or other area so located as not to interfere materially with the use of adjacent properties.

C. No outdoor storage shall be permitted other than trash containers, provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.

2. REQUIRED
FRONT YARD,
MINIMUM
SETBACK

Same as C-3 DISTRICT regulations of section 2.03, B, 2.

3. REQUIRED
CORNER SIDE
YARD, DOUBLE
FRONTAGE LOT
MIN. SETBACK

Same as C-3 DISTRICT regulations of section 2.03, B, 3.

4. REQUIRED
SIDE YARDS,
MINIMUM
SIDE SETBACK

Same as C-3 DISTRICT regulations of section 2.03, B, 4.

5. REQUIRED
REAR YARD,
MINIMUM REAR
SETBACK

Same as C-3 DISTRICT regulations of section 2.03, B, 5.

- | | |
|---------------------------------------|--|
| 6. TRANSITIONAL YARDS | Same as C-3 DISTRICT regulations of section 2.03, B, 6. |
| 7. USE OF REQUIRED YARDS | Same as C-3 DISTRICT regulations of section 2.03, B, 7. |
| 8. HEIGHT OF BUILDINGS AND STRUCTURES | Maximum height of buildings and structures shall be sixty-five (65) feet. Provided, however, that within two hundred (200) feet of any residential DISTRICT, the maximum height shall be thirty-five (35) feet. |
| 9. SIGNS | Signs and advertising devices shall comply with the sign regulations of Ordinance 68-AO-4, COMMERCIAL ZONING DISTRICT SIGN REGULATIONS of Marion County, Indiana. Provided, however, signs and advertising devices for gasoline service stations shall comply with the sign regulations of Ordinance 66-AO-4, the GASOLINE SERVICE STATION ORDINANCE of Marion County, Indiana, and section I, A, 1 and 3 of said Ordinance 68-AO-4. |
| 10. OFF-STREET PARKING | Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09. |
| 11. OFF-STREET LOADING | Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10. |

SECTION 2.05 C-5 GENERAL COMMERCIAL DISTRICT

PURPOSE OF C-5 DISTRICT: The C-5 DISTRICT is designed to provide areas for those retail sales and service functions and businesses whose operations are typically characterized by outdoor display, storage and/or sales of merchandise, by major repair of motor vehicles, by outdoor commercial amusement and recreational activities, or by activities or operations conducted in buildings or structures not completely enclosed. Such uses are generally best associated with arterial thoroughfares or with large regional-type business complexes. Unless exceptionally well planned or grouped together in a specific part of such a complex, these uses can lead to an erratic and incomplete land development pattern. And, because this type of DISTRICT may be a rather unattractive, brightly lighted agglomeration of partially out-door functions, it must, therefore, be located with care.

A. PERMITTED C-5 DISTRICT USES

The following uses shall be permitted in the C-5 DISTRICT. All uses in the C-5 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-5 DISTRICT development standards of section 2.05, b, and to any additional and/or more restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1, C-2, C-3, or C-4, DISTRICTS (except multi-family dwellings).
2. AUTO RENTAL.
3. AUTO SALES AND REPAIR, NEW OR USED, provided:
 - a. Any major repair and service is conducted within enclosed buildings.
 - b. Auto storage is incidental to the primary function.
4. AUTO REPAIR GARAGE, provided any major repair and service is conducted within enclosed buildings and does not include:
 - a. The dismantling or wrecking of motor or other vehicles, either indoors outdoors, or
 - b. The storage of inoperable or damaged vehicles (except temporarily while awaiting repair).
5. BLUEPRINTING, PHOTOCOPYING, AND JOB PRINTING.
6. BOAT SALES AND SERVICE, provided:
 - a. Any major repair and service is conducted within enclosed buildings.
 - b. Boat storage is incidental to the primary function.
7. CAR WASH ESTABLISHMENTS OF ALL TYPES.
8. COMMISSARY, CATERING SERVICE, AND OTHER SIMILAR RETAIL FOOD PREPARATION.
9. FOOD LOCKER PLANT.

10. GARDEN AND LAWN MATERIALS AND SUPPLY STORES, including outdoor display.
11. MINIATURE GOLF, ARCHERY, TRAMPOLINE CENTER, GOLF DRIVING RANGE, DRIVE-IN THEATER AND SIMILAR RECREATION FACILITIES.
12. MODEL DISPLAY HOMES AND GARAGES.
13. MOTORCYCLE STORES, including major service and repair, outdoor display.
14. TOOL AND LIGHT-EQUIPMENT RENTAL.
15. TRAILER RENTAL.
16. GASOLINE SERVICE STATION, TIRE AND AUTO SERVICE CENTER, provided:
 - a. Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking area, driveways, required landscaped yards, or public rights-of-way.
 - b. There shall be no commercial parking of motor vehicles.
 - c. There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service station or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with walks, off-street parking areas, or required landscaped yards. All exterior displays shall be maintained in an orderly manner.
 - d. Any major servicing or motor or body repair work shall be conducted within an enclosed structure, and shall not include:
 - (1) The dismantling or wrecking of motor or other vehicles, or
 - (2) The storage of inoperable or damaged vehicles (except temporarily while awaiting repair).
 - e. No driveway shall be so located and constructed that it permits traffic movement completely around or behind the service station or service center structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station or service center structure designed to provide service on all sides).
17. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
18. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted uses, including but not limited to:

ACCESSORY UTILITY STRUCTURES AND FACILITIES.
19. TEMPORARY STRUCTURES incidental to the development of land, during construction.

B. C-5 DISTRICT DEVELOPMENT STANDARDS

1. USE

a. DISPLAY AND STORAGE:

- (1) The outdoor display of goods or materials shall not include the storage of materials or equipment as a primary use, or wholesaling, warehousing or distributing operations, but shall include the outdoor display of merchandise for sale, lease, or rental.
- (2) Outdoor displays shall not be located in any required yards, or off-street parking or loading areas.
- (3) Display areas shall be of concrete, asphaltic pavement, brick, flagstone or comparable material and shall be maintained in good condition.
- (4) Outdoor displays shall be maintained in an orderly manner.
- (5) Vehicular display areas shall be provided with bumper or wheel guards along any minimum required yard line or public right-of-way.
- (6) No outside storage shall be permitted, other than trash containers, provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.
- (7) Vending machines on the exterior of any building on the premises shall be contained in a shelter, stall, or other area so located as not to interfere materially with the use of adjacent properties.

b. LIGHTING OF DISPLAY AND SERVICE AREAS:

Any lighting used to illuminate an outdoor display area or an outdoor area where any service or activity is conducted shall comply with the requirements of section 2.09, 5, e.

Further, it shall be prohibited to:

- (1) Light an area by the use of stringers of unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter.
- (2) Make use of attention attracting lighting from apparatus of a type used by emergency vehicles

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| 2. REQUIRED FRONT
YARD, MINIMUM
SETBACK | Same as C-3 DISTRICT regulations of section 2.03,
B, 2. |
| 3. REQUIRED CORNER
SIDE YARD, DOUBLE
FRONTAGE LOT
MINIMUM SETBACK | Same as C-3 DISTRICT regulations of section 2.03,
B, 3. |
| 4. REQUIRED SIDE
YARDS, MINIMUM
SIDE SETBACKS | Same as C-3 DISTRICT regulations of section 2.03,
B, 4. |
| 5. REQUIRED REAR
YARD, MINIMUM REAR
SETBACK | Same as C-3 DISTRICT regulations of section 2.03,
B, 5. |
| 6. TRANSITIONAL
YARDS | Same as C-3 DISTRICT regulations of section 2.03,
B, 6. |
| 7. USE OF
REQUIRED YARDS | Same as C-3 DISTRICT regulations of section 2.03,
B, 7. |
| 8. HEIGHT OF
BUILDINGS AND
STRUCTURES | Same as C-3 DISTRICT regulations of section 2.03,
B, 8. |
| 9. SIGNS | Signs and advertising devices shall comply with
the sign regulations of Ordinance 68-AO-4, Com-
MERCIAL ZONING DISTRICT SIGN REGULATIONS of Marion
County, Indiana. Provided, however, signs and
advertising devices for gasoline service stations
shall comply with the sign regulations of Ordinance
66-AO-4, the GASOLINE SERVICE STATION ORDINANCE of
MarionCounty, Indiana, and Section I, A, 1 and 3
of said Ordinance 68-AO-4. |
| 10. OFF-STREET
PARKING | Off-street parking facilities shall be provided in
accordance with the off-street parking regulations
of section 2.09. |
| 11. OFF-STREET
LOADING | Off-street loading facilities shall be provided in
accordance with the off-street loading regulations
of section 2.10. |

SECTION 2.06 C-6 THOROUGHFARE SERVICE DISTRICT

PURPOSE OF C-6 DISTRICT:

The C-6 DISTRICT is designed to permit development of appropriate, limited service uses relating to certain freeway, expressway or other thoroughfare interchanges or other controlled access locations along major arterial thoroughfares. At certain interchange or other access points, food, lodging, automotive service and gasoline can be made conveniently available to the thoroughfare user, without creating the traffic congestion and hazards associated with interchanges or intersections where large commercial districts have developed and, due to the limited land usage permitted, with maximum compatibility with adjacent DISTRICTS.

A. PERMITTED C-6 DISTRICT USES

The following uses shall be permitted in the C-6 DISTRICT. All uses in the C-6 DISTRICT shall conform to the general regulations and performance standards of section 2.00 and the C-6 DISTRICT development standards of section 2.06, B.

1. GASOLINE SERVICE STATION, subject to the same regulations as required in the C-4 DISTRICT.
2. MOTEL.
3. RESTAURANT, including DRIVE-IN AND CARRY-OUT RESTAURANTS.
4. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted uses, including but not limited to: ACCESSORY UTILITY STRUCTURES AND FACILITIES.
5. TEMPORARY STRUCTURES incidental to the development of land, during construction.

B. C-6 DISTRICT DEVELOPMENT STANDARDS

1. USE
 - a. No outside storage shall be permitted, other than trash containers, provided, that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.
 - b. Any lighting used to illuminate an outdoor area where any service or activity is conducted shall comply with the requirements of section 2.09, 5, e.

Further, it shall be prohibited to:

- (1) Light an area by the use of stringers of unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter.
- (2) Make use of attention attracting lighting from apparatus of a type used by emergency vehicles.

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| 2. REQUIRED FRONT
YARD, MINIMUM
SETBACK | Same as C-3 DISTRICT regulations of section 2.03,
B, 2. |
| 3. REQUIRED CORNER
SIDE YARD, DOUBLE
FRONTAGE LOT
MINIMUM SETBACK | Same as C-3 DISTRICT regulations of section 2.03
B, 3. |
| 4. REQUIRED SIDE
YARDS, MINIMUM
SIDE SETBACK | Same as C-3 DISTRICT regulations of section 2.03
B, 4. |
| 5. REQUIRED REAR
YARD, MINIMUM
REAR SETBACK | Same as C-3 DISTRICT regulations of section 2.03
B, 5. |
| 6. TRANSITIONAL
YARDS. | Same as C-3 DISTRICT regulations of section 2.03
B, 6. |
| 7. USE OF REQUIRED
YARDS | Same as C-3 DISTRICT regulations of section 2.03
B, 7. |
| 8. HEIGHT OF BUILDINGS
AND STRUCTURES | Maximum height of buildings and structures shall
be sixty-five (65) feet.

Provided, however, within two hundred (200) feet
of any residential DISTRICT, the maximum height
shall be thirty-five (35) feet. |
| 9. SIGNS | Signs and advertising devices shall comply with
the sign regulations of Ordinance 68-AO-4, COM-
MERCIAL ZONING DISTRICT SIGN REGULATIONS of
Marion County, Indiana.

Provided, however, signs and advertising devices
for gasoline service stations shall comply with
the sign regulations of Ordinance 66-AO-4, the
GASOLINE SERVICE STATION ORDINANCE of Marion
County, Indiana, and section I, A, and 1, and 3 of
said Ordinance 68-AO-4. |
| 10. OFF-STREET
PARKING | Off-Street parking facilities shall be provided
in accordance with the off-street parking reg-
ulations of section 2.09. |
| 11. OFF-STREET
LOADING | Off-street loading facilities shall be provided
in accordance with the off-street loading
regulations of section 2.10. |

SECTION 2.07 C-7 COMMERCIAL-INDUSTRIAL DISTRICT

PURPOSE OF THE C-7 DISTRICT:

The C-7 DISTRICT is designed to provide specific areas for those retail and other commercial functions that have unusually incompatible features, such as major outdoor storage and/or display of sizable merchandise, outdoor parking and storage of trucks, materials and/or equipment essential to the commercial operation. A subordinate or incidental processing or custom fabrication of materials is common to many of the uses. Distributing and wholesaling also have been permitted in this DISTRICT because of the recent trend of combining distribution, wholesaling and/or warehousing with retailing. Because of the wide range of uses in this DISTRICT, it will be suitably located on major commercial arterial thoroughfares and, as well, in association with industrial areas.

A. PERMITTED C-7 DISTRICT USES

The following uses shall be permitted in the C-7 DISTRICT. All uses in the C-7 DISTRICT shall conform to the general regulations and performance standards of section 2.00 and the C-7 DISTRICT development standards of section 2.07, B.

1. ANY USE PERMITTED IN THE C-1, C-2, C-3, C-4, C-5, or C-6 DISTRICTS (except multi-family dwellings).
2. ADVERTISING AND BUSINESS SIGN COMPANY, including fabrication.
3. AUTO PARTS SALES, including wrecked or dismantled vehicle storage on the premises.
4. AUTOMOBILE STORAGE, including damaged vehicles when temporarily awaiting repair.
5. CEMETERY MONUMENTS AND TOMBSTONES, including engraving.
6. COAL YARD.
7. CONSTRUCTION COMPANY.
8. CRATING AND PACKAGING SERVICE.
9. CUSTOM GLASS FABRICATION AND INSTALLATION.
10. CONTRACTORS, such as:
 - PAINTING, DECORATING
 - ELECTRICAL
 - PLUMBING
 - BUILDING
 - ROOFING
 - SHEET METAL
 - SEPTIC SYSTEM
 - STORM DOORS , WINDOWS, AWNINGS

11. HOME REMODELING COMPANY.
12. HOME REMODELING SUPPLIES AND MATERIALS.
13. KENNELS, including outdoor runs.
14. INDUSTRIAL LAUNDRY AND DRY CLEANING PLANTS.
15. LUMBER YARDS, including millwork.
16. MOBILE HOMES SALES.
17. SCRAP METAL, JUNK OR SALVAGE STORAGE, including auto wrecking.
18. TESTING LABORATORIES.
19. TIRE RECAPPING.
20. TRAVEL TRAILER SALES AND RENTAL.
21. TRUCK CLEANING, SERVICE, REPAIR AND RENTAL.
22. UPHOLSTERERS.
23. WHOLESALERS, WAREHOUSERS, DISTRIBUTORS, STORAGE, AND TRANSFER ESTABLISHMENTS.
24. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
25. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including but not limited to: ACCESSORY UTILITY STRUCTURES AND FACILITIES.
26. TEMPORARY STRUCTURES, incidental to the development of land, during construction.

B. C-7 DISTRICT DEVELOPMENT STANDARDS

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|---|---|
| 1. USE | a. Merchandise and products for sale; storage of materials, products, machinery, and equipment; and operations incidental to the primary use may be located outdoors, provided: |
| | Outdoor storage and operations shall be effectively screened from public view by a solid fence or wall not less than six (6) feet in height constructed on the front building setback line. |
| 2. REQUIRED FRONT YARD, MINIMUM SETBACK | Same as C-3 DISTRICT regulations of section 2.03, B, 2. |
| 3. REQUIRED CORNER SIDE YARD, DOUBLE FRONTAGE LOT MINIMUM | Same as C-3 DISTRICT regulations of section 2.03, B, 3. |

4. REQUIRED SIDE
YARDS, MINIMUM
SIDE SETBACK

A side yard and setback of not less than ten (10) feet shall be provided along each side lot line.

5. REQUIRED REAR
YARD, MINIMUM
REAR SETBACK

A rear yard and setback of not less than ten (10) feet shall be provided along the rear lot line.

6. TRANSITIONAL
YARDS

a. MINIMUM SIDE AND REAR YARDS AND SETBACKS

(1) Where a side lot line abuts a side or rear lot line in an adjacent residential DISTRICT, a side yard and setback not less than forty (40) feet in depth shall be provided along such side lot line.

(2) Where a rear lot line abuts a side or rear lot line in an adjacent residential DISTRICT, a rear yard and setback not less than forty (40) feet in depth shall be provided along such rear lot line.

b. SCREENING

(1) A solid ornamental, decorative fence or masonry wall, not less than six (6) feet or more than ten (10) feet in height, shall be constructed and maintained along all such rear and side transitional yard lot lines.

Provided, however:

Such side lot line fence or wall shall not be extended nearer the front lot line than the front setback line.

No materials or equipment shall be stored to a height greater than said fence or wall.

7. USE OF
REQUIRED YARDS

All required yards shall be landscaped in grass and shrubbery, trees, and/or hedge, or in combination with other suitable ground cover materials, except:

a. Required front yards may include:

(1) Pedestrian walks, flag poles, and similar appurtenant uses.

(2) Access cuts and driveways, provided they are not located within twenty (20) feet of a side lot line abutting a residential DISTRICT.

(3) Off-street parking, provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length there-

of (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above.

b. Required side and rear yards may include:

(1) Pedestrian walks, flag poles, and similar appurtenant uses:

(2) Access cuts and driveways, provided they are not located within twenty (20) feet of a lot line abutting a residential DISTRICT.

(3) Off-street parking, provided it is not located within five (5) feet of a lot line abutting a residential DISTRICT.

8. HEIGHT OF
BUILDINGS AND
STRUCTURES

Maximum height of buildings and structures shall be thirty-five (35) feet.

9. SIGNS

Signs and advertising devices shall comply with the sign regulations of Ordinance 68-AO-4, COMMERCIAL ZONING DISTRICTS SIGN REGULATIONS of Marion County, Indiana.

Provided, however, signs and advertising devices for gasoline service stations shall comply with the sign regulations of Ordinance 66-AO-4, the GASOLINE SERVICE STATION ORDINANCE of Marion County, Indiana, and section I, A, 1 and 3 of said Ordinance 68-AO-4.

10. OFF-STREET
PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.

11. OFF-STREET
LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

SECTION 2.08 C-S SPECIAL COMMERCIAL DISTRICT

PURPOSE OF C-S DISTRICT

The C-S special DISTRICT is designed to permit, within a single DISTRICT multi-use complexes or land use combinations of commercial and non-commercial uses, or single-use commercial projects, which due to excellence of planning, design or function, can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness, attractiveness and compatibility. Thus, the DISTRICT provides flexibility and procedural economy, by permitting the broadest range of land use choices within a single DISTRICT, with adequate land use controls. Under the C-S classification, particular regard can be given property with unique features or significance -- such as unusual topography or landscape amenities, historical, architectural or social significance, or other special land characteristics. The C-S DISTRICT can include high-rise or low-rise developments, can be applied to large or small land areas, appropriately located throughout the metropolitan area -- and can be useful in areas of urban renewal or redevelopment.

The C-S DISTRICT is intended to encourage greater creativity in land planning, superior site and structural design and development; to encourage an efficient, aesthetic and desirable use of open space; to provide for a use of land with high functional and aesthetic values; to assure compatibility of land uses, both within the C-S DISTRICT and with adjacent areas. It is intended to provide maximum flexibility in zoning districting and controls -- to meet the changing, diverse developmental needs of the metropolitan area.

A. PERMITTED C-S DISTRICT USES

The following shall be permitted C-S DISTRICT uses. Provided, however, all land use within the C-S DISTRICTS shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the C-S DISTRICT classification.

All uses in the C-S DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-S DISTRICT development standards of section 2.08, B, and to any additional and/or more restrictive requirements specified in this section.

In addition to said regulations of sections 2.00 and 2.08, all land use within the C-S DISTRICTS shall be subject to any further standards, restrictions and/or requirements specified in such rezoning petition or Ordinance, and to all requirements of section 1, B, 3 of Ordinance 68-AO-11, the IMPROVEMENT LOCATION PERMIT ORDINANCE of Marion County, Indiana, relative to plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and parol covenants filed, made or presented in support of such rezoning petition.

1. PUBLIC AND SEMIPUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic center, university or college campus or other educational institution, governmental office complexes, malls, greenways, or other appropriate uses and accessory facilities therefor.
2. COMMERCIAL OFFICE-APARTMENT COMPLEX, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, including but not limited to restaurant (subject to all regulations of section 2.03 applicable to restaurants), gasoline service station (subject to all regulations of section 2.03 applicable to gasoline service stations), or other appropriate uses and accessory facilities therefor.
3. REGIONAL COMMUNITY OR NEIGHBORHOOD SHOPPING CENTER - OFFICE - APARTMENT COMPLEX, APARTMENT HOTELS, HOTELS, MOTOR-HOTELS or other multi-use planned complex, which may include business, professional and consumer service offices, retail sales and service uses, including but not limited to, restaurant (subject to all regulations of section 2.03 applicable to restaurants), gasoline service station (subject to all regulations of section 2.03 applicable to gasoline service stations), or other appropriate uses and accessory facilities therefor.
4. OFFICE-COMMERCIAL-INDUSTRIAL RESEARCH AND DEVELOPMENT PARK OR COMPLEX OR OTHER COMMERCIAL-INDUSTRIAL USE COMBINATION (subject to all standards, requirements and regulations of section 2.05 (I-1-U Restricted Industrial Urban District Regulations) of Ordinance 63-A0-4, the INDUSTRIAL ZONING ORDINANCE of Marion County, Indiana, as amended), and accessory facilities therefor.
5. RESIDENTIAL-RECREATIONAL-COMMERCIAL PLANNED COMPLEX, including MULTI-FAMILY DWELLINGS, TOWNHOUSES, CONDOMINIUM, CLUSTER-HOUSING OR OTHER PLANNED RESIDENTIAL DEVELOPMENT in combination with open space, recreational-commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or non-commercial uses, and accessory facilities therefor.
6. ANY OTHER APPROPRIATE PLANNED LAND USE, COMPLEX OR COMBINATION OF LAND USES as designated and specified in the amending petition or ordinance zoning land to the C-S SPECIAL COMMERCIAL DISTRICT.

B. C-S DISTRICT DEVELOPMENT STANDARDS

1. USE All C-S DISTRICT uses shall:
 - (a) be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive or Master Plan of Marion County, Indiana.
 - (b) create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the C-S DISTRICT and with adjacent uses:
 - (c) provide sufficient and well-designed access, parking and loading areas;

(d) provide traffic control and street plan intergration with existing and planned public streets and interior access roads;

(e) provide adequately for sanitation, drainage and public utilities; and

(f) allocate adequate sites for all uses proposed-- the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.

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| 2. REQUIRED FRONT YARD MINIMUM SETBACK | Same as the C-2 DISTRICT regulations of section 2.02, B, 2. |
| 3. REQUIRED CORNER SIDE YARD, DOUBLE FRONTAGE LOT MINIMUM SETBACK | Same as the C-2 DISTRICT regulations of section 2.02, B, 3. |
| 4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACK | Same as C-2 DISTRICT regulations of section 2.02, B, 4. |
| 5. REQUIRED REAR YARD, MINIMUM REAR SETBACK | Same as C-2 DISTRICT regulations of section 2.02, B, 5. |
| 6. TRANSITIONAL YARDS | Same as C-2 DISTRICT regulations of section 2.02, B, 6. |
| 7. USE OF REQUIRED YARDS | Same as C-2 DISTRICT regulations of section 2.02, B, 7. |
| 8. HEIGHT OF BUILDINGS AND STRUCTURES | No height limitation. |
| 9. SIGNS | Signs and advertising devices shall comply with the sign regulations of Ordinance 68-AO-4, COMMERCIAL ZONING DISTRICT SIGN REGULATIONS of Marion County, Indiana. |
| 10. OFF-STREET PARKING | Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09. |
| 11. OFF-STREET LOADING | Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10. |

SECTION 2.09 OFF-STREET PARKING REGULATIONS

Accessory off-street parking facilities for motor vehicles shall be provided and maintained for all uses in the COMMERCIAL DISTRICTS in accordance with the following regulations.

1. APPLICATION OF REGULATIONS

a. BUILDINGS, STRUCTURES, USES HEREAFTER ESTABLISHED-- EXCEPTION PERMITS PREVIOUSLY ISSUED.

For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking facilities shall be provided in accordance with the regulations of this section. However, where improvement location and building permits have been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, but not to exceed two (2) years after the issuance of said building permit, parking facilities in the amounts required for issuance of said permits may be provided in lieu of any different amounts required by the off-street parking regulations of this ordinance.

b. BUILDINGS, STRUCTURES, USES EXISTING OR HEREAFTER ESTABLISHED -- INCREASED INTENSITY OF USE.

When the intensity of use of any building, structure or premises (existing on the effective date of this ordinance or hereafter established) shall be increased (through addition of gross floor area or other unit of measurement specified herein for required parking facilities), parking facilities as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide such additional parking facilities unless and until the aggregate increase in units of measurement shall equal not less than fifteen percent (15%) in which event parking facilities as required herein shall be provided for the total increase.

c. CHANGE OF USE

Whenever the use of a building, structure or premises shall hereafter be changed to a new use permitted by this Ordinance, parking facilities shall be provided as required for such new use.

d. EXISTING PARKING FACILITIES

Accessory off-street parking facilities in existence on the effective date of this ordinance shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirement for such a new building or use under the provisions of this Ordinance.

e. NEW OR EXPANDED PARKING FACILITIES

Nothing in this ordinance shall be deemed to prevent the establishment or expansion of off-street parking facilities to serve any existing use of land or building, provided that all regulations herein governing the location, design and operation of such facilities shall be adhered to.

2. LOCATION Accessory off-street parking areas may be located on the same lot as the building or use served, or within five hundred (500) feet of a lot line thereof.
3. COMMON OR COMBINED PARKING AREAS A common or combined accessory off-street parking area may be provided to serve two or more primary buildings or uses, provided:
- a. Such common or combined off-street parking area shall be so planned, designed, constructed and maintained as to create a desirable, efficient and well planned off-street parking area with high functional and aesthetic value, attractiveness and compatibility with adjacent land uses, and consistent with the character of the COMMERCIAL DISTRICT.
 - b. Such common or combined off-street parking area shall be located within five hundred (500) feet of all primary uses served therein.
 - c. A site and development plan for each such common or combined parking area shall be filed with the Metropolitan Planning Department, and approved by the Executive Director thereof, prior to the development and use thereof and prior to the issuance of an improvement location permit for any use served thereby.

Said site and development plan:

(1) Shall indicate:

- (a) adjacent streets, alleys and lots.
- (b) all individual primary uses to be served, including the location, use, and number of parking spaces for each such use as required by section 2.09, 9 hereof.
- (c) vehicular entrances, exits and turn-off lanes.
- (d) the parking area layout, including vehicular drive-ways or aisles; off-street parking spaces; total number and dimensions thereof.
- (e) setbacks.
- (f) all landscaping and screening, walls, fences; proposed lighting, if any; type of paving proposed.
- (g) identification sign or signs, including location, size and design thereof.

(h) storm drainage facilities.

- (2) shall demonstrate compliance with all applicable standards of this Ordinance.
- (3) shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefor.

d. The minimum total number of spaces contained in such combined off-street parking area shall at all times equal the sum of the minimum required parking spaces for all individual uses served therein. Provided however:

In order to encourage the development of such well-planned common or combined off-street parking facilities in accordance with the standards of this Ordinance, said total number of required spaces may be reduced to the extent of 10% below such combined total--if such reduction is indicated on the approved site and development plan demonstrating compliance with the above standards.

e. Said common or combined off-street parking area shall be developed, maintained and used only in accordance with said approved site and development plan and all other requirements of this Ordinance.

4. MINIMUM PARKING
SPACE DIMENSIONS

A. required off-street parking space shall have, regardless of angle of parking, a usable parking space measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and eighteen (18) feet in length; provided, however, that the total usable parking space area shall be, in no instance, less than one hundred eighty (180) square feet in total area.

5. ACCESS TO AND
FROM PARKING
AREAS

a. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

b. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.

6. SCREENING AND
LANDSCAPING

Ground area between the required off-street parking area setback and any lot line abutting a residential DISTRICT shall be screened and landscaped in accordance with the COMMERCIAL DISTRICT'S regulations for screening and landscaping transitional yards.

7. USE OF PARKING
AREA

a. The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment or materials.

b. The required parking area shall not be used for the storage of any commercial vehicles.

8. SURFACE OF
PARKING AREA

c. Buildings or structures shall be permitted for shelters for guards, attendants or watchmen; however, any such structure shall not occupy required off-street parking space.

d. Loading and unloading spaces and maneuvering area, as required in section 2.10, shall not constitute required off-street parking space; nor shall any off-street parking area be used for off-street loading purposes.

a. Open and Enclosed Parking Spaces: Off-street parking spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any other major structure and subject to all requirements thereof.

b. All open off-street parking areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

A gravel surface may be used for a period not exceeding one (1) year after the parking area is opened for use where ground conditions are not immediately suitable for permanent surfacing as specified above.

c. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.

d. The parking area(s) shall be so lined or designated where abutting a required yard that no part of the parked vehicles shall extend beyond the boundary of the established parking area into any minimum required yard or into adjoining property.

e. (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.

(2) In applying exterior floodlighting, equipment shall be of those types or distribution that are appropriate to lighting within the property line. The lighting equipment shall be so located, shielded, and directed that the lighting distribution is confined to the area to be lighted.

(3) Objectionable spill light onto adjacent properties or streets shall be avoided to prevent direct glare or disability glare.

(4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in the Illuminating Engineering Society Lighting Handbook, 4th Revision, 1966, a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana and is hereby incorporated by reference and made a part hereof):

Self parking area	1.0 footcandles
Attendant parking area	2.0 footcandles

9. AMOUNT OF
PARKING AREA
REQUIRED

a. Off-street parking spaces shall be provided and maintained for uses in the COMMERCIAL DISTRICTS in accordance with the following minimum requirements:

(1) HOTELS, APARTMENT-HOTELS, MOTELS, AND
MOTOR-HOTELS

(a) One (1) parking space for each rental sleeping unit.

(b) Parking requirements for dwelling units in APARTMENT-HOTELS shall be in accordance with section 2.10 (D-9 DWELLING DISTRICT NINE REGULATIONS) or section 2.11 (D-10 DWELLING DISTRICT TEN REGULATIONS, as appropriate, of Ordinance 66-AO-2, the DWELLING DISTRICTS ZONING ORDINANCE of Marion County, Indiana, as amended.

(c) If, in addition to dwelling units and/or sleeping units, there are other uses or accessory uses located within or operated in conjunction with the hotel, apartment-hotel, motel or motor-hotel, the following percentages of additional off-street parking spaces shall be provided for such other uses or accessory uses as would be required by this section if such uses were primary and separate from the hotel, apartment-hotel, motel or motor-hotel.

- | | |
|---|-----|
| 1. Retail Stores, Offices, Service Establishments | 50% |
| 2. Restaurants, Dining Rooms, Bars, Night Clubs | 35% |

3. Ball Rooms, Banquet Halls,
Meeting Rooms, Auditoriums 50%

(2) SANITARIUMS, NURSING AND CONVALESCENT
HOMES, HOMES FOR THE AGES:

One (1) parking space for each three
(3) patient beds, plus one (1) parking
space for each two employees and each
two staff doctors on the premises during
the largest work shift.

(3) DAY NURSERIES, PRIVATE KINDERGARTENS:

One (1) parking space for each five hundred
(500) square feet of gross floor area.

(4) MUSEUMS, COMMUNITY CENTERS, CIVIC CLUBS,
PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS:

One (1) parking space for each four
hundred (400) square feet of gross floor area.

(5) CHURCHES, AUDITORIUMS, ASSEMBLY HALLS,
RECITAL HALLS:

One (1) parking space for each four seats
where seats are fixed, and one (1) parking
space for each thirty-two (32) square feet
of floor area for moveable seats.

(6) LIBRARY:

One (1) parking space for each two
hundred (200) square feet of floor area
open to the public use.

(7) FIRE STATION:

One (1) parking space for each two employees
on the premises during the largest work
shift.

(8) MEDICAL OR DENTAL CLINICS:

One (1) parking space for each one
hundred (100) square feet of gross floor area.

(9) MINOR HOSPITAL:

One (1) parking space for each two (2)
patient beds, plus one (1) parking space
for each two (2) employees and each two
(2) staff doctors on the premises during
the largest work shift.

(10) BUSINESS, PROFESSIONAL OR GOVERNMENTAL OFFICE, POST OFFICE, BANK:

One (1) parking space for each one hundred eighty (180) square feet of gross floor area.

(11) BUSINESS, VOCATIONAL AND TRADE SCHOOLS:

One (1) parking space for each one hundred (100) square feet of gross floor area in the building.

(12) COMMERCIAL RECREATIONAL AND AMUSEMENT ESTABLISHMENTS INVOLVING THE ASSEMBLING OF PERSONS, EXCEPT THEATERS AND BOWLING ALLEYS:

One (1) parking space for each two hundred (200) square feet of area involved in such use.

(13) THEATERS:

One (1) parking space for each three (3) seats.

(14) BOWLING ALLEYS:

Four (4) parking spaces for each alley.

(15) RESTAURANTS, LUNCH COUNTERS, TAVERNS, BARS, AND NIGHT CLUBS, EXCEPT DRIVE-INS:

One (1) parking space for each three (3) customer seats.

(16) DRIVE-IN RESTAURANT OR REFRESHMENT STAND, including any drive-in place or premises used for sale, dispensing, or serving of food, refreshments or beverages, and any establishments where customers may serve themselves, or carry out and consume food, refreshments or beverages on the same premises:

Two (2) parking spaces for each 100 square feet of gross floor area.

(17) RETAIL STORES GENERATING HEAVIER AUTO TRAFFIC, including but not limited to, SUPERMARKETS AND OTHER FOOD STORES, ICE CREAM PARLORS, BAKERIES, DRUG STORES, BEAUTY AND BARBER SHOPS, DIME STORES:

One (1) parking space for each one hundred fifty (150) square feet of gross floor area for any:

- (a) individual use,
- (b) group of two or more uses in one structure, or
- (c) uses in a planned shopping center or comparably integrated group of uses or structures in which all uses included do not exceed 50,000 squarefeet in total gross floor area;

Provided, however, that in no case shall any use or uses in the same structure provide less than five (5) parking spaces.

(18) RETAIL STORES GENERATING LIGHTER AUTO TRAFFIC, including but not limited to, FURNITURE, JEWELRY, GIFTS, HARDWARE, APPLIANCE STORES AND THE LIKE; PERSONAL SERVICES SHOPS; HOUSEHOLD OR EQUIPMENT REPAIR SHOPS; CLOTHING AND SHOE REPAIR SHOPS; INTERIOR DECORATING SHOPS; WEARING APPAREL:

One (1) parking space for each three hundred (300) square feet of gross floor area for any:

- (a) individual use,
- (b) group of two or more uses in one structure, or
- (c) uses in a planned shopping center or comparably integrated group of uses or structures in which all uses included do not exceed 50,000 square feet in total gross floor area;

Provided, however, that in no case shall any use or uses in the same structure provide less than three (3) parking spaces.

(19) PLANNED SHOPPING CENTER OR INTEGRATED GROUPING OF ESTABLISHMENTS SPECIFIED IN SECTIONS (17) AND (18) ABOVE:

- (a) If the total gross floor area of the center is between 50,000 and 200,000 square feet - One (1) parking space for each one hundred sixty (160) square feet of gross floor area.
- (b) If the total gross floor area of the center is 200,000 square feet or greater - One (1) parking space for each one hundred sixty-five (165) square feet of gross floor area.

(20) MORTUARY

One (1) parking space for each (50) square feet of floor area in parlors and assembly rooms.

(21) WHOLESALING, DISTRIBUTING, WAREHOUSING, STORAGE, TRANSFER FIRMS; CONTRACTORS, CUSTOM FABRICATORS, UPHOLSTERERS; INDUSTRIAL LAUNDRIES; LUMBER YARDS, JUNK YARDS, COAL YARDS:

One (1) parking space for each two persons on the premises, computed on the basis of the greatest number of persons at any one period or work shift. Any space in the establishment devoted to RETAILING shall require additional customer parking space in the amount specified elsewhere in this section for the type of retailing involved.

(22) USES NOT SPECIFIED:

For any COMMERCIAL DISTRICT use not specified above, the requirements for off-street parking for a specified use to which said use is most similar shall apply.

SECTION 2.10 OFF-STREET LOADING REGULATIONS

Off-street loading facilities accessory to uses in the COMMERCIAL DISTRICTS shall be provided and maintained in accordance with the following regulations.

1. MINIMUM AREA A required off-street loading space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
2. ACCESS TO AND FROM OFF-STREET LOADING AREA
 - a. Each required off-street loading space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such loading space.
 - b. All off-street loading facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.
3. LOCATION AND SETBACK
 - a. All required loading spaces shall be located on the same lot as the use served, and shall be so designed and located that trucks shall not back from or into a public street.
 - b. No open loading space shall be located in a minimum required front yard.
 - c. No loading space shall be located in a minimum required side or rear yard.
4. SCREENING All motor vehicle loading spaces on any lot abutting a residential DISTRICT or separated by an alley from a residential DISTRICT shall be enclosed within a building or screened and landscaped in accordance with the COMMERCIAL DISTRICT'S regulations for screening and landscaping transitional yards.
5. USE OF LOADING AREA Space allotted to off-street loading spaces and maneuvering area shall not be used to satisfy the off-street parking space requirements.
6. SURFACE OF LOADING AREA
 - a. Open and Enclosed Loading Areas: Off-street loading spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other major structure and subject to all requirements thereof.
 - b. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash, and debris, except that:

A gravel surface may be used for a period not exceeding one (1) year after the loading area is opened for use where ground conditions are not immediately suitable for permanent surfacing as specified above.

c. The surface shall be graded and drained in such a manner that there will be no detrimental flow of water onto adjacent properties or public sidewalks.

d. When lighting facilities are used to illuminate a loading area, the lighting equipment shall be such that it is so located, shielded, and directed that the lighting distribution is confined to the area to be lighted. Objectionable spill light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

7. AMOUNT OF
LOADING AREA
REQUIRED

Off-street loading space shall be provided and maintained in accordance with the following minimum requirements:

a. For each retail store, planned shopping center, or commercial establishment, having an aggregate gross floor area of:

(1) Over 10,000 square feet but not over 25,000 square feet: 1 space

(2) Over 25,000 square feet but not over 60,000 square feet: 2 spaces

(3) Over 60,000 square feet but not over 120,000 square feet: 3 spaces

(4) Over 120,000 square feet but not over 200,000 square feet: 5 spaces

(5) Over 200,000 square feet but not over 290,000 square feet: 5 spaces

(6) For each additional 90,000 square feet exceeding 290,000 square feet or fraction thereof: 1 additional space

b. For each auditorium, hotel, apartment-hotel, office building, or similar use, having an aggregate gross floor area of:

(1) Over 10,000 square feet but not over 40,000 square feet: 1 space

(2) For each additional 60,000 square feet exceeding 40,000 square feet or fraction thereof: 1 additional space

c. For any wholesale, warehouse, distributor, storage or transfer establishment; heavy commercial

use such as contractor, custom fabrication, crating and packaging, tire recapping, testing laboratories, lumber or coal yard; or similar use, having aggregate gross floor area of:

- | | |
|---|--------------------|
| (1) From 0 to 40,000 square feet: | 1 space |
| (2) Over 40,000 square feet but not over 200,000 square feet: | 2 spaces |
| (3) Over 100,000 squarefeet but not over 200,000 square feet: | 3 spaces |
| (4) For each additional 200,000 square feet exceeding 200,000 square feet, or fraction thereof: | 1 additional space |

d. For any COMMERCIAL DISTRICT use not specified above, the requirements for off-street loading for a specified use to which said use is most similar, shall apply.

SECTION 3.00 SERVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

William K. Byrum

Dwight L. Cottingham

William A. Brown

Rozelle Boyd

THE MARION COUNTY COUNCIL OF

MARION COUNTY, INDIANA

DATED April 8, 1969

ATTEST: Edward G. Hoffmann, Jr.
Auditor of Marion County, Indiana